

COUNCIL WORK MINUTES
MAY 7, 2014

The City Council held a work meeting on Wednesday, May 7, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgerson; Park Superintendent Wally Davis; Golf Maintenance Supervisor Steve Carter; Golf Pro Jared Barnes; Water Superintendent Robbie Mitchell; Airport Manager Russ Volk; Building Facilities Supervisor Bruce Burt.

OTHERS PRESENT: Melodie Jett, Tom Jett, Ron Larsen, Trystan Humphries, Victoria DeAviua, Kaeland Osborn, Christine Munford, Morgan Downs, Briana Twitchell, Jasmine Rojas, Lacey Warren, Taryn VanAusday, Natalie Clark, Hanan Pruitt, Fantasia Massicotte, Zachary Wolf, Tyler Graf, Abby Nakken, Shay Bauman, Cooper Low, Jamieson Howard, Kordan Nielson, Troy D. , Gabrielle Strand, Karl Stevens, Sarah Bagnall, Shayanna Warby, Kathleen Warby, Court Ennfeldt, Christian Taylor, Matthew Hofeling, Holly Combs.

CALL TO ORDER: Councilmember Cozzens gave the opening prayer; the pledge of allegiance was led by Councilmember Black.

AGENDA ORDER APPROVAL: Councilmember Marchant moved to approve the agenda order; second by Councilmember Black; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley – congratulations to Mr. Rick Holman on his selection to be honored at the Eagles Nest at the Centrum. I received a request by a citizen that a sidewalk be put in on Ridge Road or have the owners do it. Also to consider rotating the water schedule out of the lake so the entities are rotated so everyone can get a turn at a less expensive and more expensive time to water. ■Black – wish Councilman Marchant a Happy Birthday last Friday. ■Mayor – tomorrow will be the Iron County Mothers of the Year recognition, the City participates in that each year. Also the Arbor Day celebration is tomorrow at 1 PM at the Aquatic Center. The Foster Care event is Friday, May 9th, and this Saturday is the Soap Box Challenge at 4:00 p.m.

PUBLIC COMMENTS: ■Melodie Jett – recently the City had expanded the trail on the south side of Cedar and it necessitated a small sliver of land from me. In support of the trail system which gives me a nice place to walk and talk, I believe in the expansion of the trail system. I would like to give the \$675 check back to Cedar City for the expansion of the trail.

SOUTH MAIN LANDSCAPING/BEAUTIFICATION PROJECT – GABRIEL STRAND/DAN RODGERSON:

Gabrielle and Karl Stevens, SUU – a year ago April I was walking along Main Street and a strip looked like trash and weeds. I learned the strip of land is part of UDOT; they have no intention of expanding for many years. I have an ok from UDOT to plant 9 native plants in the area. We would like approval of the project. We have a lot of people coming from the South to SUU and other things and with a new LDS Temple it would be a good expansion.

Karl – this is in connection with National Make A Difference Day and we have a have emphasis on service at SUU. The freshman will participate and it is a lot of free labor. The proposed project is South Main between Main Street and the frontage road on the east side of the road about 4/10 of a mile. We would start at the Shell station and move north. Rowley – there is a weed strip on the west side also, but that is not included? Karl – it could be a future project. The notion is as people come off the freeway they are greeted by a nice strip of weeds. Rowley – what was the minutes we received? From P&R Board. Karl – we would have students from SUU participate. Black -- what do you mean by participate? Karl – we will need to keep the weeds out from the decorative bark after the weed barrier. Cozzens – bark looks good but it fades fast, could you consider rocks. Karl – we could do rock, but it has a cost, Gabrielle has a source of free bark. Gabrielle – I have a son that has a tree trimming business and can replenish often. Rowley – the plants cannot exceed 3 feet in height. Karl – that is correct. Gabrielle – UDOT told us what specific plants could be planted. Rowley – will the purple sage grow in this area? Gabriel – yes, they are recommended by SUU Horticulturist and UDOT. The plants are identified and approved by UDOT. Rowley – how would you establish them initially? Karl – it would require manual irrigation for the first few years. It could be done by students and if the City has a water truck that could do that occasionally. Black – what about site. Gabrielle – we were going to ask the City if they could spray the ground in the summer so that we can plant in the fall. We hope to plant the last Saturday in October. Black – will they be able to harden before they freeze. Rowley – there is a day the freshmen go out before school starts? Gabby – yes, we could possibly do that, but it may not be feasible. Karl – we want to send a letter to the businesses and ask for support and ask that they not park cars on the plants. We have a contract with UDOT. The purpose of being here is to request approval from the City to proceed with whatever preparation to get it ready, mow it. Wally – UDOT mows that twice a year. Karl – in order to keep the weeds down, we would ask the City to purchase the weed barrier if possible. Marchant – do you have a cost of the fabric? Karl – 4/10 of a mile would be about \$9,000 according to someone I talked with. Black – I think you research just mowing, the weed fabric needs to be on the ground, if not the weeds will grow up. Rowley – my concern is what happens when you are not there, does it go for 4 years and then the interest wanes. Gabriel – there are over a dozen service clubs, I feel SUU would wholeheartedly support this. I work at the Community Engagement Center and we have safety vests. We no longer have a lot of need in the communities. I think SUU can address that through the years. If freshmen help they will have something to look at when they graduate. Marchant – Ed Lamb has his football players involved. Black – we can't afford to keep picking up items like this, I would like an agreement that SUU would

maintain that. Gabrielle – we are looking for feedback on what to do next. Paul – there was a contract between UDOT and Cedar City for the maintenance. Would UDOT let the project proceed if Cedar City did not want to sign the agreement? Rowley – I think it would make Cedar City look nice if we can pull it off without putting a strain on the budget. Maybe some donations from the community could happen. Marchant – I applaud you for bringing this project, I know that bugs need to be worked out, but I think the plants would be nice and welcoming. Let's work together to make it happen. Black – I think it needs to be graded before we put weed fabric down and also work out the irrigation. Rick – I know the bark looks attractive, but that is also the direction wind blows, I wonder how long the bark would stay.

Wally Davis – I reviewed the project, concerns I have is: UDOT does maintain it now, it is a big trash area. The contract is a 5 year contract, at the end of the 5 years who picks it up. For us to mow down I agree with Councilman Black it needs to be graded or weeds will grow through the fabric. Also you need to irrigate one to two years for new plants to establish. We hand water some trees on the parkways and it takes a lot of time, they are talking quite a few plants that would be labor intensive for watering. If you plant late in the fall you still have to irrigate until we get snow. Also UDOT uses salt on the road, will the plants be salt proof? The wood chips, we have a free source ourselves, a lot of tree trimmers dump their chips for us. We till around our trees to keep the weeds down, but it is still a challenge. Some of the chips may have bugs so you have to be careful. The wind blows hard in that area and it is fairly steep, it is a drainage area and the chips could plug culverts. I would suggest rock to tie in with the south interchange. To make it look nice you would need to break up the variety of rock. As far as costs, for parks to mow, it is 70,000 square feet; it would cost \$100 to mow one time. Black – are you including time to pick up debris? Wally – no, we would require the service clubs to pick up the trash and rocks. Weed fabric for 70,000 square feet would be \$6,300, to spray and keep it spray would be about \$500 a year. In the wintertime it would only be trash pick-up, it would be about 100 hours in the winter for \$1,800, in the summer 12 hours a week it would be about \$5,700, total cost would be around \$8,000 a year if we end up taking it over. I think it is smart to have a written agreement with the University. Cozzens – how much for gravel? Wally – I did not cost that out, but it is expensive, probably \$20,000 - \$25,000. Rowley – is cobble cheaper? Wally – it depends where you get it. Marchant – we know the proposal and that there are obstacles and it is important that they are all identified. Let's divide the page and see the pros and cons, we need answers. By knowing all concerns we can give these people a chance to address each one so they can give us their thought process and see what we can address. Let's do a small segment and see how it will work, if it does, then we proceed with more. Wally – this is all UDOT's property, when we landscape their property we assume the maintenance. I think the project is a great thing. I have other projects along Coal Creek where we have irrigation and City property. If this does not pan out we could have other areas for them. Black – could I suggest that Wally and Dan get with these people and work things out? Wally – I think a small section first is good. Black – if we do a small section you may do chips and then do one section with rock. Work through items and come to another work meeting.

CONSIDER A SINGLE EVENT PERMIT TO HOLD A BEER GARDEN ON JUNE 7TH FOR THE CEDAR CITY ELKS – CANDACE HOWES/CHIEF

ALLINSON: Candace Howes with the Elks – this is the 3rd year we have done horse shoe tournament, we use it as a fund raiser to buy shoes for kids at Christmas. Black – Chief, are we good with this? Chief – yes. Consent.

CONSIDER A ROAD DEDICATION FOR SOUTH MOUNTAIN DRIVE – RICK

LUNT/JOEL HANSEN: Ron Larsen – this would connect the road all the way from Westview Drive to the subdivision. Black – are you aware of what the residents want? Ron – yes, there are issues with what they are wanting. Rowley – I asked in Planning Commission, it is in the master plan, but it is owned by someone else. Eventually it will offer them relief. Ron – originally there was not a cut through the rocks in the master plan. It would take a lot of work for a road. Kit – they changed their plan, we have a master planned road running north and south, most of the road runs along the main water transmission lines, and it is an easement where people cannot build. It is an ideal place for a road.

Max Cornwell – we were thinking the road will provide for increased traffic flow, it will be residential property. In order to provide a second egress without channel traffic through our neighborhood, there is a dirt road that has access to the old landfill, if we extended the road and then come up to the easement that is there. There are 23 homes that will front the streets. Eventually the road will go through there. I thought it was a reasonable and viable alternative. We could avoid the traffic but still provide access. Marchant – in the future there will be a road somewhere else that others will deal with. Cornwell – future development can plan for the large road and they can back up to it instead of fronting the road. Black – we don't own any of the proposed routes. Kit – it is dedicated, and we have a water easement. We don't own the alternative route. Black – can we put together costs? Kit – we don't normally buy those, we acquire through development. Ron – that would be a 55 foot road, there is not room for a larger road. Kit – this is a 66' foot road and through the subdivision narrows to a 60 foot road. This road has been master planned before the subdivision was ever built and anticipated in the subdivision to accommodate the road and was developed with full knowledge that the road would be there. Black – when do they want to start construction? Ron – they would like to start in 2 weeks, it would be a double chip seal and then we will follow with a subdivision. Black – I see a lot of things held up if we waited for the other road. Kit – 80 lots trigger a second access, they are there now. Ron – the deals that are happening to buy the property is subject to the road being done. Mr. Cornwell – the frontage road hooks up to the old landfill, who owned the easement to that point? Kit – there is not an easement. Ron – UDOT owns the frontage road, everything beyond that is private. Mr. Cornwell – the zoning is R2-2, and there will be development. Cozzens – there is a valley where you cannot build to the back lots on both sides. Black – we would not buy the property as Kit said, it could be years. Action.

CONSIDER A RAW LAND LEASE AT THE AIRPORT FOR SOUTHERN SKIES AVIATION INC. – CLAYTON CHENEY/RUSS VOLK:

Russ – Clayton has an existing lease that he is currently building a hangar on, there is a 60 foot utility

easement between that and the other hangar. He would like to lease 16x100 feet in a separate lease. He would like the 16 feet for large roll up doors to allow him to move equipment and provide additional parking spaces. The intent is that the UHP will move in there with the helicopter they have at the Cedar City Airport. It will allow parking on pavement. Black – is it the west side? Russ – no the east side, it is adjacent to the retention area. Rowley – this is the old lease rates? Russ – there is a proposal in the budget for fee increases. Paul recommended some wording changes in the lease that it is for additional parking and they could insure both under one insurance policy. Cozzens – is it a problem if it is hard scape instead of gravel? Russ – I would rather have all in asphalt. Kit – the easement is to continue the utilities to the other vacant land. Cozzens – we don't want to be liable if we have to get in the utilities. Russ – the utilities are passed these lots. There was going to be a 3rd taxi lane, I don't think that will happen. Paul – if all utilities are in that, we need to know. Rick – anytime someone does a road break we require people that dig up have to restore, we need to do the same. We can put it in the contract that we would restore to gravel. Kit – other utilities have agreements that they can tear it out and not replace. Paul – we have parking agreements with others, but it is not over utilities. Consent upon the verbiage being changed.

CONSIDER WATER RATE ADJUSTMENT FOR IRON COUNTY SCHOOL DISTRICT – RICK HOLMAN:

in January 2013 council approved changes in water rates to help encourage water conservation. During that time when we got to watering season one of the large playing field owners Iron County School District (ICSD) noticed a large change in the water bill and reduced the watering and it was noticed by Summer Games (USG) participants. It is their desire to be active and supportive participant in the USG, is there a way to restore water to their fields and get some relief to the water rate for this time frame. We have looked at a way to get the fields in safe and playable conditions but not pay the higher rate for that period of time. We have got information 4 of the 7 locations on the water usage last summer and the usage prior to the rate change and come up with a formula to each of those locations and consider giving the district a relieve on the total water bill, Black – just the difference from what it was before the rate change to after the change. Rick – that is the method we are looking at, the portion. We would like to consider that and bring back a proposal to the next meeting to see if you are willing to consider that. Paul – we need to run it past those that know about the bonds to make sure we can pay the bonds. It probably won't impact that, but we need to make sure. Rick – we will run it past Jason to make sure the Enterprise fund will not be impacted. Action.

CONSIDER A COOPERATIVE AGREEMENT WITH UDOT TO PASS THROUGH FUNDS FROM UDOT TO BOULEVARD HOME FURNISHINGS FOR STORM DRAIN AND SIDEWALK IMPROVEMENTS ALONG MAIN STREET (SR-130) AS REQUIRED BY UDOT – KIT WAREHAM:

Kit – you have all seen the building for Boulevard, as part of the project UDOT required them to replace curb and gutter and provide storm drain, it was around \$23,000 for storm drain and \$3,000 for curb and gutter and UDOT agreed to reimburse them. However they cannot enter an agreement with a private individual, it has to be government so they are asking us to have the agreement and pass the funds through us. Boulevard would send us an

invoice; we will submit reimbursement to UDOT before we pay. Black – not more than \$26,000 and if under that amount we can get reimbursed for our time. Rowley – they are not being wise with traffic control when working. Kit – they need UDOT permits to work there. Consent.

REVIEW PROPOSED AMENDMENTS TO THE CEDAR CITY WATERWORKS ORDINANCE, SECTION 37-21 AND 37-22 – KIT WAREHAM:

Kit – in March we brought before you an adjustment in rates for commercial businesses for Rusty's and Milt's, it was a resolution. We want to get our ordinance in line with that resolution so we made some changes in the water ordinance. We are proposing amendments to livestock and outside of City limits watering, we are taking out livestock since it is for homes and businesses. We also said we will not allow any other commercial and residential connections. There was a requirement for annual application that has not been done; it would take a lot of staff time to track people down so we are proposing to take that out. Clarified there can be no more than one user on a meter. Also \$50 application fee for a connection, we will put that in the consolidated fee schedule. I was told the reason for outside city limits for livestock watering was to encourage people to move their livestock, we are implying that. The last change is a provision to allow the City to connect to another political subdivision or entity such as the Iron County Water Conservancy District in order to sell. Action.

DISCUSS AMENDMENTS TO THE WATER ACQUISITION ORDINANCE –

PAUL BITTMENN: Paul – last week we had an issue with a gentleman using the water rights for agriculture; the council was not comfortable doing that. The easy fix is to get rid of that portion. The other is if we force annexation what happens to the water. A minority land owner via square footage or property value in an annexation can be forced. Also if you have been providing service to an unincorporated area you can force annexation or refuse service. I don't think that is a problem, we do have islands and peninsula. There is an area at Horse Alley and around the arena. Cozzens – I like your language that if forced to annex he does not have to give up his water but the others do. Action.

CONSIDER A RESOLUTION AUTHORIZING CITY COUNCIL MEETING PARTICIPATION THROUGH ELECTRONIC MEANS – PAUL BITTMENN:

Paul – the basic structure says there has to be an anchor location, but allows the elected officials to participate via electronic means. Rowley – we don't have to be able to see. Paul – it can be phone Skype, etc. Rowley – how would we do it? Paul – if it is just one, we could do it with a phone; I don't know if we have the ability to put Skype on the big screen. I don't think it would benefit the Mayor, she could not control the meeting via phone. Action.

REVIEW BIDS ON AQUATIC CENTER LED LIGHT PROJECT – DAN

RODGERSON: Dan – we are on the verge of getting the budget and we have encouraged centers to reduce expenses. Rocky Mountain Power did an energy audit and said we could reduce costs by \$14,000 a year, changing halogen to led lighting. The overall cost is about \$29,000; Rocky Mountain Power will write a check for \$13,500

leaving us with a cost of \$15,000. We would pay \$15,000 to save \$14,000 a year. I don't have a funding source; we talked about waiting for next year. Black – who is ACM Electric, they are quite low are we comfortable? Kit – yes, it is close to the quote, it is a Yardley. Cozzens – can we borrow money from another fund? Jason – the timing changes the funding, right now the Aquatic Center has some funding to start, if it falls into the next FY we can carry funds over. At this point we don't anticipate it will require an additional transfer. Dan – utilities line item? Jason – yes. Marchant – they have done it at the Airport and it does save money. Black – if it goes into next fiscal year, is it a long project? Kit – we will issue the award tomorrow and they will be ready to go in a week and the project is to complete in about 10 days. Cozzens – since it is \$15,000 can't he just do it? Paul – it has to be in the budget already. Jason – we increased our transfer to the Aquatic Center for FY 13-14, however Dan has been proactive not to spend money that is there. In a few line items they are doing better than anticipated so we earmarked that to accomplish the project within this year budget. If we cross fiscal years I can present a revision to the Council. If Aquatic Center does better on their revenue we can handle it without new money. Rowley – what areas? Dan – the wet areas, we have wrestled with the lights for some time, so there are other benefits to this project. Kit – let me explain the bids, we are recommending the bid alternate which is each bulb has its own separate ballast and there are 126 of those boxes. The alternate bid is to remove those ballasts, they are rusting, ACM had a really low bid on that, and the other two bidders are really high. They will reach them with a scissor and snorkel lift. Rowley – will the lumens increase? Yes. Cozzens – when they remove the ballast boxes is it painted? Kit – yes and they are required to touch up the paint. Consent.

CONSIDER ALLOCATING FUNDS FOR GOLF COURSE PRAIRIE DOG

BARRIER – RICK HOLMAN: Rick – some of you may have been to the cemetery where they are installing 720 feet of prairie dog fence, 1 inch chain link 6" in the ground 3 feet above and top rail and flashing to prevent the dogs from scaling the fence. The US Fish and Wildlife have approved this fence. There are a number of barriers installed in the County; this is a good option for us. The plan is according to US Fish once cemetery fence and trapping time then the dogs can be removed from the cemetery in lethal means. The Cemetery crew has dug the trench and the County work crew has installed the fence. The UPDRIP committee was successful in asking the Legislature to purchase \$100,000 in material for the golf course. It will extend from Lois Bulloch's house on 15 to the end of the fairway and along the west side of the Golf Course down to the driving range to the 18 green. We will start again at the driving range, west side to south side and start at #8 green continue east to the south side of #6 green and come south along the City property to the bottom of #4 green and across and about 50 feet up the hill, about 10,000 feet. Where there are existing homes along 17 and 18 we take the fence to those homes. Once you get the fence and keep trapping they will keep the dog out of the golf course. Paul – the proposal to allow lethal take is it in writing in the form of a permit? Rick – Nathan Brown the permit says we can use lethal take in a written permit. Paul – do we have that? Rick – yes. Paul – last time they told us they did not give us a lethal take permit. Rick – it is in the letter for both the cemetery and golf course. The County has committed \$30,000 and I am asking if the City can allocate \$30,000 from capital improvement fund to match the County portion. Based on the prices we feel it can be purchased for


\$160,000. Then it is the labor. There is a deadline to spend by July 1st. If you are willing we will advertise for the materials in the next few days and bring back the bids when we receive them. Cozzens – how long to recoup the \$30,000? Jared – in equipment and cart repair are crazy. There is also the revenue, I have talked to people that say get rid of the prairie dogs and I will come back.

Adams – this plan says no migration from the east? Rick – that is correct. Cozzens – once we do this, who does the lethal take? Paul – there are provisions about using firearms in the City, DWR has a provision for taking wildlife. Black – they are still in the process of determining the lethal take way. Cozzens – I don't want to spend the money if we don't have it in writing. Rick – I will have Paul review this. They can revoke permits. Rick – if you haven't seen the barrier, go down to the south side of the barrier. Consent.

RECEIVE THE FY 2014-15 TENTATIVE BUDGET – JASON NORRIS: Jason – the initial draft was sent to you today. We will meet with department heads on the 12th and 13th to go over the projects. I included a memo for overall issues. We are in good position still, we are seeing smaller increases in revenues, our budget is very conservative in the budget and we have tried to prioritize to maximize value to tax payer and enterprise fund for infrastructure. We had a decrease in health care, \$124,000, we had a 1% increase for URS, we are requesting as an incentive since employees reduced health insurance to add \$400 as a one-time contribution to their HSA accounts, that totals \$59,600, which is not ongoing contribution. We also requested a \$0.15 cost of living increase \$66,000 for full-time employees. Enterprise funds look good, we had engineers and departments to put together projects, there are larger ones that will require discussion. We committed to a capital lease payment for the fire trucks \$95,000 out of the general fund, \$1.1 million to the south interchange that took a big commitment out of our c-road funds. We want dialogue for RAP Tax funds.

EXECUTIVE SESSION – PENDING LITIGATION:

ADJOURN: Councilmember Marchant moved to adjourn and move into the Executive Session at 7:32 p.m.; second by Councilmember Black; vote unanimous.



Renon Savage, CMC
City Recorder